

MEMORANDUM

Date: May 14, 2012
To: Transfer 77826
From: bjordan
Re: Transfer Evaluation

This transfer proposes to add points of diversion and change the place of use for water right 13-7747. Preston Riverdale and Mink Creek Canal Company, Preston Whitney Reservoir Company, and Preston Whitney Irrigation Company have recently merged to form Consolidated Irrigation Company. Consolidated Irrigation Company (applicant) seeks to change the place of use for water right 13-7747 to include Consolidated Irrigation's new service boundary. Points of injection and redirection will be added so the water right can be utilized throughout the company's entire service area. The total number of acres authorized under right 13-7747 is 3,013 acres. Consolidated Canal Company's Cub River and Mink Creek natural flow water rights when combined will authorize the irrigation of 15,444 acres.

IDWR record shows water right 13-7747 is authorized to irrigate 4050.0 acres. The total number of acres authorized for irrigation under this right is in error. This discrepancy occurred in an ownership change that the department approved in 2009. The total number of acres authorized under water right 13-7747 is 3013.0.

The company's service boundary for water right 13-7747 will be slightly different than the company's service boundary for its Cub River water rights 13-2, 13-3, and 13-2104. Water rights 13-2, 13-3 and 13-2104 (Cub River) cannot be delivered to water users located in the Mink Creek drainage area of the new service boundary. The new service area under water right 13-7747 includes the boundary described under water rights 13-2, 13-3 and 13-2104, and an area located in the Mink Creek Drainage. Consolidated Irrigation Company's service boundary for water rights 13-2, 13-3 and 13-2104 will remain the same.

Authority to File:

The applicant is the current owner of the water right per IDWR record. Rob Harris who is the attorney for Consolidated Irrigation Company signed the application.

Validity:

This water right was part of the 1920 Bear River Decree. Water rights have been regularly diverted according to Water District 13N records.

Injury to Other Water Rights:

Water rights are within WD 13N. Points of injection and redirection are being added to allow water rights to be utilized throughout service area. The diversion off of Mink Creek will remain the same. Watermaster does not oppose transfer. Transfer was advertised and protested by BLM. The basis of BLM's protest was the new service boundary overlapped onto federal public lands. The place of use description for Consolidated Irrigation Company's service boundary was based on an arc map GIS shape file that was drawn in error. The shape file for the service boundary was corrected and does not overlap onto federal public lands. BLM withdrew protest. No evidence of injury.

Enlargement of Use:

No enlargement issues identified.

Local Public Interest: No issues identified.

Beneficial Use / Conservation of Water Resources: No issues identified.

Review of the application finds there is not clear inconsistency with the criteria set forth in Section 42-222, Idaho Code.